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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/760,130
	Filing Date	1/12/01
	First Named Inventor	Jeffrey C. Herold
	Art Unit	unknown
	Examiner Name	unknown
Total Number of Pages in This Submission	Attorney Docket Number	033905-000014

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> 2 nd Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of status inquiry filed 6/21/04, Copy of Response to Inquiry dated 7/1/04, Copy of fax dated 7/15/04.
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Adrienne Yeung, Reg. No. 44,000
Signature	
Date	9/2/04

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Ruth Rodriguez		
Signature		Date	September 2, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Jeffrey C. Herold
SERIAL NO.: 09/760,130
FILING DATE: 1/12/01
TITLE: ERGONOMICALLY CONFIGURED SHOULDER STRAPS SYSTEM
EXAMINER: Unassigned
ART UNIT: Unassigned

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on the date printed below:

Date: September 2, 2004 Name: Ruth Rodriguez

Ruth Rodriguez

Commissioner for Patents,
P.O. Box 1450 Alexandria, VA 22313-1450

SECOND STATUS INQUIRY LETTER

Please advise the status of the above-identified patent application. Several attempts have been made to inquire about the status of the above mentioned matter to no avail as outlined below:

1. On 6/21/04, a Status Inquiry Letter was filed with the patent office (Tab A).
2. On 7/1/04, a Response to the Status Inquiry Letter was received from the PTO informing us that application was abandoned (Tab B).
3. On 7/5/04, 7/8/04, and 7/15/04 I personally communicated with Examiner Larry Schwartz informing him that a Petition to Withdraw Holding of Abandonment was filed on 11/18/03. Examiner Schwartz initially informed me that he would locate the file to determine whether the petition was in the file, but then later instructed me to call Examiner Doshie Day.
4. On 7/15/04, I personally communicated with Examiner Doshie Day whereby we were instructed to fax a copy of the petition to her (Tab C).
5. On 7/23/04, 7/28/04, 8/12/04, 8/16/04, and 8/23/04 we communicated with Examienr Day to inquire about the case. In each instance, she informed us that she was attempting to locate the file. However, after 1 ½ months, she has yet to locate the file.

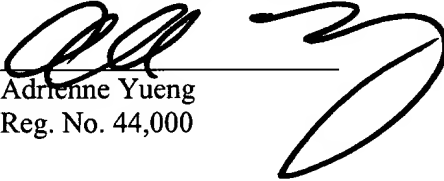
After several months of communication with the PTO with no success, Applicant hereby submits this Second Status Inquiry Letter. Applicant respectfully requests prompt attention to the status of this application so that prosecution may be continued immediately.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Dated: September 2, 2004

Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640
(408) 292-5800
(408) 287-8040 (Fax)

Respectfully submitted,
Thelen Reid & Priest LLP



Adrienne Yueng
Reg. No. 44,000



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Serial/Patent No.: 09/760,130		Filing/Issue Date: 1/12/01
Applicant: Jeffrey C. Herold		
Title: <u>ERGONOMICALLY CONFIGURED SHOULDER STRAPS SYSTEM</u>		
TRP Docket No.: 033905-014		Atty/Secty Initials: AY/r
Date Mailed: 6/21/04		Docket Due Date:

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

<input type="checkbox"/> Amendment/Response (____ pgs.)	<input type="checkbox"/> IDS & PTO 1449 (____ pgs.)
<input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)	<input type="checkbox"/> ____ Pieces of Prior Art Enclosed
<input type="checkbox"/> Application - Utility (____ pgs. with cover & abstract)	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)	<input type="checkbox"/> Submission of Formal Drawings:
<input type="checkbox"/> Application - Rule 1.53(b) Division (____ pgs.)	____ # of sheets includes ____ figures
<input type="checkbox"/> Application - Rule 1.53(b) CIP (____ pgs.)	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Application - Rule 1.53(d) CPA (____ pgs.)	<input checked="" type="checkbox"/> Postcard
<input type="checkbox"/> Application - PCT (____ pgs.)	<input type="checkbox"/> Preliminary Amendment (____ pgs.)
<input type="checkbox"/> Application - Provisional (____ pgs.)	<input type="checkbox"/> Reply Brief (____ pgs.)
<input type="checkbox"/> Assignment and Cover Sheet	<input type="checkbox"/> Req and Cert. Not to Publish - Rule 1.213
<input type="checkbox"/> Certificate of Correction	<input type="checkbox"/> Request for Continued Examination (RCE) (____ pgs.)
<input type="checkbox"/> Certificate of Mailing	<input type="checkbox"/> Request for Extension of Time ____ Month(s)
<input type="checkbox"/> Declaration & POA (____ pgs.)	<input type="checkbox"/> Response to Notice to File Missing Parts
<input type="checkbox"/> Fee Transmittal	<input type="checkbox"/> Copy of PTO Notice to File Missing Parts
<input type="checkbox"/> Drawings (informal):	<input type="checkbox"/> Transmittal Letter (original & copy)
____ # of sheets includes ____ figures	<input type="checkbox"/> Express Mail No.: ____
<input checked="" type="checkbox"/> Other:	<input type="checkbox"/> Check(s) \$ ____
STATUS INQUIRY	<input type="checkbox"/> Deposit Acct No. 50-1698 \$ ____
	Patent Code: ____
	Client/Matter # 33905 - 14





Docket No. 033905-014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Jeffrey C. Herold
SERIAL NO.: 09/760,130
FILING DATE: 1/12/01
TITLE: ERGONOMICALLY CONFIGURED SHOULDER STRAPS SYSTEM
EXAMINER: Unassigned
ART UNIT: Unassigned

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450, on the date printed below:

Date: June 21, 2004

Name: Ruth Rodriguez

Ruth Rodriguez

Commissioner for Patents,
P.O. Box 1450 Alexandria, VA 22313-1450

STATUS INQUIRY LETTER

Please advise the status of the above-identified patent application.

Respectfully submitted,
Thelen Reid & Priest LLP

Dated: June 21, 2004

Adrienne Yueng
Reg. No. 44,000

Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640
(408) 292-5800
(408) 287-8040 (Fax)

33905-14

Larry I. Schwartz**United States Patent & Trademark Office
Customer Service Center, Technology Center 3700****703/306-5648**

Date: 7/1/04**Total # of pages including cover sheet: 1****To: Adrienne Yueng****Recipient Fax: 408-287-8040****From: Larry I. Schwartz
Administrator
Customer Service Center****Sender Fax: 703-872-9301****Memo:****In response to your inquiry:**

**Application 09760130 is currently in Status: 160 /ABANDONED – INCOMPLETE
APPLICATION (as of 10/28/2003. The application is currently assigned to Group
Art Unit: 3727. The docketed class/subclass is 224/ ...**

Fax•Fax•Fax•Fax•Fax•Fax•Fax•Fax•Fax•Fax•Fax•Fax

Confirmation Report - Memory Send

Page : 001
Date & Time: 07-15-04 11:43am
Line 1 :
Line 2 :
Machine ID : Thelen, Reid, & Priest LLP

Job number : 240
Date : 07-15 11:39am
To : 40532#033905#000014#17033059822#
Number of pages : 013
Start time : 07-15 11:39am
End time : 07-15 11:43am
Pages sent : 013
Status : OK

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Job number : 240

*** SEND SUCCESSFUL ***

Thelen Reid & Priest LLP
Attorneys At Law

225 West Santa Clara Street, Suite 1200
San Jose, CA 95113-1723
Tel. 408.282.5800
Fax 408.282.5040
www.thelenreid.com

F A X C O V E R P A G E

Date: July 15, 2004

Total Pages: 15
(including cover)

To: Examiner Doshie Day,
U.S. Patent Office

Fax: 1.703.305.9822
Phone: 1.703.308.3640

From: Adrienne Young

Fax: 408.278.8209
Phone: 408.282.1809
E-Mail: ayoung@thelenreid.com

SERIAL NO. 100700.100 VIA FAX ONLY
FILED: 7/15/04
T.S.C. 2004.07.15.10.00.00.014

Dear Examiner Day:

Thank you for taking your time to speak with me about the above referenced patent application. Respectfully submitted, is a true copy of the Petition to Withdraw Holding of Abandonment filed on November 18, 2003, and confirmation of receipt dated November 21, 2003.

If you have any questions, please do not hesitate to contact me directly. Thank you for your attention to this matter.

Sincerely,


Adrienne Young

AY/r

In case of a problem with this transmission, please call the Fax Operator at 408.282.1866

JOB #	ATTORNEY #	CLIENT-MATTER	RETURN TO	ROOM #
	40532	33905/14		

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8V #173686 v1

F A X C O V E R P A G E

Date: July 15, 2004

Total Pages: 13
(including cover)

To: Examiner Doshie Day,
U.S. Patent Office

Fax: 1.703.305.9822

Phone: 1.703.308.3640

From: Adrienne Yeung

Fax: 408.278.8209

Phone: 408.282.1809

E-Mail: ayeung@thelenreid.com

SERIAL NO.: 09/760,130

VIA FAX ONLY

FILED: 1/12/01

TRP DOCKET NO.: 033905-014

Dear Examiner Day:

Thank you for taking your time to speak with me about the above referenced patent application. Respectfully submitted, is a true copy of the Petition to Withdraw Holding of Abandonment filed on November 18, 2003, and confirmation of receipt dated November 21, 2003.

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Adrienne Yeung

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Serial/Patent No.: 09/760,130		Filing/Issue Date: 1/12/01
Applicant: Jeffrey C. Herold		
Title: Ergonomically Configured Shoulder Straps System		
TRP Docket No.: 033905-000014		Atty/Secty Initials: AY/dm
Date Mailed: 11-18-03		Docket Due Date:

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon.

<input type="checkbox"/> Amendment/Response (____ pgs.)	<input type="checkbox"/> IDS & PTO 1449 (____ pgs.)
<input type="checkbox"/> Appeal Brief (____ pgs.) (in triplicate)	<input type="checkbox"/> ____ Pieces of Prior Art Enclosed
<input type="checkbox"/> Application - Utility (____ pgs. with cover & abstract)	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Application - Rule 1.53(b) Continuation (____ pgs.)	<input type="checkbox"/> Submission of Formal Drawings: ____ # of sheets includes ____ figures
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<input checked="" type="checkbox"/> Other: Petition to Withdraw Holding of Abandonment	<input type="checkbox"/> Check(s) \$ ____
	<input type="checkbox"/> Deposit Acct. No. 50-1698 \$ ____
	Patent Code: ____
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NOV 21 2003

CANCELLED

Serial/Patent No.: 09760,130

Filing/Issue Date: 1/12/01

Applicant: Jeffrey C. Herold

Title: Ergonomically Configured Shoulder Straps System

TRP Docket No.: 033905-000014

Atty/Secty Initials: AY/dm

Date Mailed: 11-18-03

Docket Due Date:

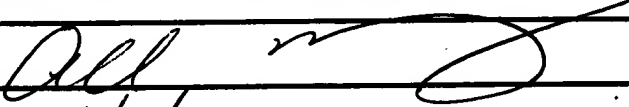
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| | <input type="checkbox"/> Deposit Acct. No. 50-1698 \$ ____ |
| | Patent Code: ____ |
| | Client/Matter # 33905 - 14 |

DOCKETED
NOV 18 2003

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/760,130
	Filing Date	1/12/01
	First Named Inventor	Jeffrey C. Herold
	Art Unit	unknown
	Examiner Name	unknown
Total Number of Pages in This Submission	Attorney Docket Number	033905-000014

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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Adrienne Yeung, Reg. No. 44,000 - Thelen Reid & Priest LLP
Signature	
Date	11/17/03

CERTIFICATE OF MAILING			
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Typed or printed name	Diane Morse		
Signature		Date	11-18-03

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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